



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1814 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Section 12.12.055, 'Interfering With Parks And Recreation Programs'"

MEETING DATE: July 16, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1814.

BACKGROUND INFORMATION: Ordinance No. 1814 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Section 12.12.055, 'Interfering With Parks And Recreation Programs,'" was introduced at the regular City Council meeting of July 2, 2008.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: _____
Blair King, City Manager

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12 –
PARKS – BY ADDING SECTION 12.12.055, “INTERFERING
WITH PARKS AND RECREATION PROGRAMS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 – Parks – is hereby amended by adding Section 12.12.055, “Interfering with Parks and Recreation Programs,” to read as follows:

12.12.055 Interfering with Parks and Recreation Programs:

No person shall be present on any schoolyard or park within ten (10) feet of the field of play of any field being used by a Parks and Recreation affiliated youth program for play, practice, or a game unless that person:

- 1) is a City approved volunteer or employee who has received Department of Justice fingerprint clearance: or
- 2) is a youth member of the team and/or program.


SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.


SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 16th day of July, 2008



JOANNE MOUNCE
Mayor

Attest:


EANDI JOHL
City Clerk

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State of California
County of San Joaquin, **ss.**

I, Randi Johl, City Clerk of the City of Lodi, *do* hereby certify that Ordinance No. 1814 was introduced at a regular meeting of the City Council of the City of Lodi held July 2, 2008, and was July 16, 2008, by the following vote:


AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian, and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None


ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1814 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved **as** to Form:



D. STEPHEN SCHWABAUER
City Attorney